

**WITH CAMPBELL, LLP**

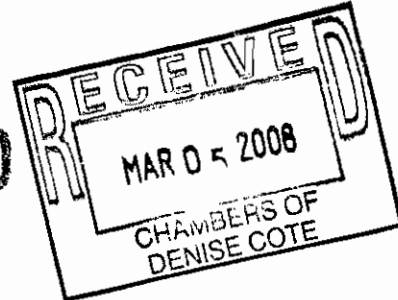
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March 4, 2008

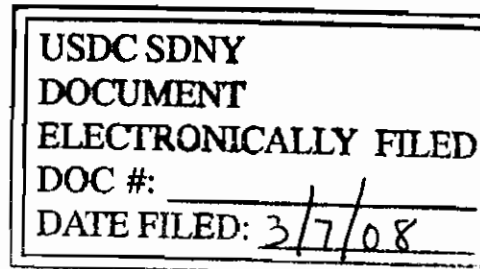
**VIA FEDERAL EXPRESS**

Hon. Denise L. Cote  
United States District Judge  
United States Courthouse  
500 Pearl Street - Room 1040  
New York, New York 10007

**MEMO ENDORSED**



Re: **AVGraphics, Inc., et al. v. NYSE Group, Inc., et al.**  
**07-cv-08430 (DLC)**



Dear Judge Cote:

We represent defendants NYSE Group, Inc., John Gregoretti, Anthony Walenty, Sam Coccozza, Margaret Deb. Tutwiler and John Thain (the "NYSE Defendants") in this action.

At present, March 14 is the adjourned deadline for the NYSE Defendants to answer or move with respect to the First Amended Complaint. As set forth in my letter to the Court dated February 8, 2008, plaintiffs' counsel consented to this extension of time, which was the first adjournment requested by the NYSE Defendants. On February 11, the Court so-ordered the March 14 date by memo endorsement. Docket No. 15.

After the March 14 date was so-ordered, defendant E\*TRADE Securities LLC ("E\*TRADE") filed a motion to dismiss pursuant to Rule 12(b)(1) for lack of federal subject matter jurisdiction over this action. Docket Nos. 19, 20. We believe the motion is well-founded. If E\*TRADE's motion is granted, it should lead to dismissal of the entire action because subject matter jurisdiction would be entirely absent.

If the action is not dismissed on E\*TRADE's motion, the NYSE Defendants intend to move for dismissal of the First Amended Complaint on other Rule 12 grounds. However, we would prefer to avoid burdening the Court with such a motion

SMITH CAMPBELL, LLP

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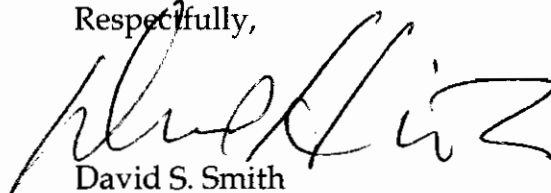
until a ruling on the E\*TRADE motion determines whether this action will remain in this Court.

Accordingly, the NYSE Defendants request that their time to answer or move with respect to the First Amended Complaint be extended until 10 days after their receipt of the Court's ruling on E\*TRADE's pending motion to dismiss for lack of subject matter jurisdiction. I spoke yesterday with one of plaintiffs' attorneys, Dominick Revellino, Esq., and he consented to this requested extension.

As no return date has been scheduled for the E\*TRADE motion, that motion presumably will be pending as of March 28, which is the date scheduled for the first pretrial conference. Accordingly, we also request that the conference be adjourned until after a ruling on E\*TRADE'S motion.

We thank the Court for its consideration of these requests.

Respectfully,



David S. Smith

cc: Dominick Revellino, Esq. (via Federal Express)  
Douglas P. Lobel, Esq. (via Federal Express)

*The conference and  
defendant NYSE's time  
to answer are adjourned  
sine die. Opposition to  
E\*Trade's motion is due  
March 21; reply is due  
March 28.*

*Denise Cote  
March 7, 2008*